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February 3, 2018

BY ECF:

Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: United States v. Percoco, et al., S2 16 Cr. 776 (VEC)

Dear Judge Caproni:

We respectfully submit this letter on behalf of Peter Galbraith Kelly, Jr., following up on our letter to strike testimony elicited during the re-direct of Steve Remillard regarding an attorney whose father was a New York State senator. (Doc. No. 464). Following the submission of our letter, the Government advised that, while it does not concede that the questions posed to Mr. Remillard were improper, it will consent to the relevant testimony being stricken and that, furthermore, it will not seek to offer evidence on this issue in the future.

Accordingly, we respectfully request, with the Government's agreement, that the testimony from 1853:1–1854:4 of the record be stricken.

Respectfully submitted,

LANKLER SIFFERT & WOHL LLP

By: _____/s/ Daniel M. Gitner

Daniel M. Gitner
Jun Xiang

CC: All Counsel (Via ECF)